

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MICHAEL C. BURNS,	:	
	:	Civil Action No. 09-5072 (NLH)
Petitioner,	:	
	:	
v.	:	<b>ORDER</b>
	:	(CLOSED)
ERIC TAYLOR, WARDEN,	:	
	:	
Respondent.	:	

IT APPEARING THAT Petitioner has submitted a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 with an application to proceed in forma pauperis, and that Petitioner qualifies to proceed in forma pauperis before this Court; and this Court having reviewed the Petition, and for the reasons set forth in the Court's Opinion filed herewith,

IT IS on this 7<sup>TH</sup> day of October , 2009,

ORDERED that Petitioner's application to proceed in forma pauperis is hereby granted; and it is further

ORDERED that the Clerk shall file the Petition without prepayment of fees.

ORDERED that the application for a writ of habeas corpus under either 28 U.S.C. § 2254 as asserted by Petitioner, or under 28 U.S.C. § 2241(c)(3) as more properly construed by the Court, is DISMISSED WITHOUT PREJUDICE for non-exhaustion of state court remedies; and it is further

ORDERED that no certificate of appealability will issue; and it is further

ORDERED that the Clerk shall serve a copy of this Order and accompanying Opinion upon the Petitioner by regular mail; and it is finally

ORDERED that the Clerk is directed to close the file in this matter accordingly.

/s/ NOEL L. HILLMAN  
NOEL L. HILLMAN  
United State District Judge

At Camden, New Jersey